



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Human Resources Manager and Designees, Authorization to Access Summary Criminal History Information for Employment Purposes at the State and Federal Level

**MEETING DATE:** August 15, 2012

**PREPARED BY:** Human Resources Manager

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**RECOMMENDED ACTION:** Adopt a resolution approving Human Resources Manager and designees, authorization to access summary criminal history information for employment purposes at the state and federal level.

**BACKGROUND INFORMATION:** Currently, the City of Lodi Human Resources Manager and staff provide criminal background checks (fingerprinting/Live Scan reports) at a state level for the city's prospective employees, volunteers and contract employees. The Human Resources Division has received a request from Lodi's transit staff to provide criminal background checks at a state and federal level for all positions performing safety sensitive functions.

The City of Lodi has general liability and physical damage insurance coverage on all City-owned transit vehicles under the California Transit Indemnity Pool (CalTIP), a self-insured Joint Powers Authority. CalTIP has adopted various policies and procedures to reduce loss to its members including that all CalTIP members provide criminal background checks at a state and federal level for all positions performing safety sensitive functions. Safety sensitive functions include positions that operate revenue service vehicles, control dispatch or movement of a revenue service vehicle, and *maintain/repair* a revenue service vehicle. Evidence has shown that the lack of conducting criminal background checks at this national level may lead to the employment of individuals with past criminal history, indirectly or directly affecting the City's transit operations.

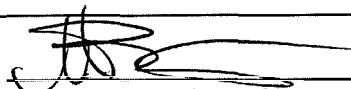
Penal Code Sections 11105(b)(1) and 13300(b)(1) require city governing boards adopt the attached resolution specifically authorizing access to summary criminal history information for employment purposes (including volunteers and contract employees). Staff recommends Council adopt the attached resolution to comply with the above mentioned penal codes and for the Human Resources Manager and designees to continue receiving criminal history information. Upon approval by City Council, staff will begin fingerprinting all contract and city employees providing safety sensitive functions to comply with CalTIP's requirements.

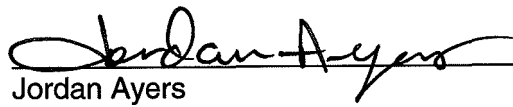
**FISCAL IMPACT:** \$2,000.00

**FUNDING AVAILABLE:** Transit Operations funds will be utilized to fund criminal background checks for transit-related positions (1250).

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APPROVED:

  
Konradt Bartlam, City Manager

A handwritten signature in black ink, appearing to read "Jordan Ayers", is written over a horizontal line.

Jordan Ayers

Deputy City Manager/Internal Services Manager

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer

**Attachments**

cc: Transportation Manager/Senior Traffic Engineer

RESOLUTION NO. 2012-135

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING HUMAN RESOURCES MANAGER AND  
DESIGNEES AUTHORIZATION TO ACCESS SUMMARY  
CRIMINAL HISTORY INFORMATION FOR EMPLOYEMENT  
PURPOSES AT A STATE AND FEDERAL LEVEL  
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WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts, and joint powers authorities to access state and local summary criminal history information for employment purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts, and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the City Council authority to specifically authorize access to summary criminal history information for employment purposes.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City of Lodi Human Resources Manager, City Attorney, Deputy City Attorney, and designees to access state and federal level summary criminal history information for employment (including volunteers and contract employees) and may not disseminate the information to a private entity.

Dated: August 15, 2012  
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I hereby certify that Resolution No. 2012-135 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 15, 2012, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi,  
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk